



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

DEC 23 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7791-6050  
RETURN RECEIPT REQUESTED

Fremont County Commissioners  
c/o Doug Thompson, Chair  
450 North Second  
Lander, WY 82520

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Cozy  
Mobile Home Park PWS ID #WY5600181

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Cozy Mobile Home Park, Riverton, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.21(b), 141.23(d), 141.26(b)(3), 141.24(f), 141.24(h), 141.152-155, 141.21(g)(2), 141.21(g)(1), and 141.31(b) for: failure to monitor for total coliform bacteria; exceedance of the Maximum Contaminant Level (MCL) for total coliform bacteria; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to monitor for nitrate; failure to monitor for radionuclides; failure to monitor for volatile organic contaminants; failure to monitor for pesticide/herbicide organic contaminants; failure to prepare and deliver an accurate 2004 Consumer Confidence Report by July 1, 2005; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

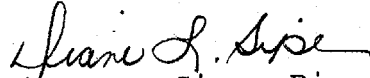


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2.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

DEC 23 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7791-5961  
RETURN RECEIPT REQUESTED

Cozy Mobile Home Park  
Carl Pace, Owner  
1575 E. Monroe #72  
Riverton, WY 82501

Re: Administrative Order  
Docket No. SDWA-08-2006-0011  
PWS ID #WY5600181

Dear Mr. Pace:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Cozy Mobile Home Park Water System (System) is a public water supplier as defined by the SDWA and that the owner of the system has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.21(b), 141.23(d), 141.26(b)(3), 141.24(f), 141.24(h), 141.152-155, 141.21(g)(2), 141.21(g)(1), and 141.31(b) for: failure to monitor for total coliform bacteria; exceedance of the Maximum Contaminant Level (MCL) for total coliform bacteria; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to monitor for nitrate; failure to monitor for radionuclides; failure to monitor for volatile organic contaminants; failure to monitor for pesticide/herbicide organic contaminants; failure to prepare and deliver an accurate 2004 Consumer Confidence Report by July 1, 2005; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.



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2.

If the System owner and/or operator complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. If any statement in the Finding section of the Order is not correct or current, please provide EPA with corrected or updated information within 10 days of your receipt of this Order. Also, if any pertinent information (e.g., ownership) changes at any time while this Order is in effect, please notify EPA immediately. The information may be sent to Melanie Wasco at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: (via e-mail)  
WY DEQ  
WY DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 DEC 23 AM 10:45

IN THE MATTER OF )

Carl Pace, Owner )  
Cozy Mobile Home Park )  
Riverton, Wyoming )  
PWS ID# WY5600181 )

Respondents )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER ,

Docket No. **SDWA-08-2006-0011**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Respondent Mr. Carl Pace is an individual and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Cozy Mobile Home Park Water System (the "System"), located in Fremont County, Wyoming for the provision to the public of piped water for human consumption.
3. The Cozy Mobile Home Park Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is

therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 5, 2003 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source. The system provides water to approximately 115 year-round residents through 72 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor the water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the months

of October 2004 and August 2005, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per month to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during October and November 2005 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of four repeat samples after the September 2005 total coliform positive routine sample, in violation of 40 C.F.R. § 141.21(b).

IV.

1. 40 C.F.R. § 141.23(d) requires public water systems to

monitor annually for nitrate to determine compliance with the nitrate maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.62.

2. Respondent failed to monitor for nitrate in 2004, in violation of 40 C.F.R. § 141.23(d).

V.

1. 40 C.F.R. § 141.26(b)(3) requires community water systems to monitor the water once every 4 years to determine compliance with the MCL for radioactivity, as stated in 40 C.F.R. § 141.15.
2. Respondent failed to monitor the water for radioactivity in 2001, in violation of 40 C.F.R. § 141.26(b)(3). Respondent subsequently monitored the water for radioactivity in 2002.

VI.

1. 40 C.F.R. § 141.24(f) requires community public water systems to monitor their water to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61. Pursuant to 40 C.F.R. § 141.24(f)(6), EPA has allowed the System to meet this requirement by monitoring triennially.
2. Respondents have failed to monitor the water for volatile organic contaminants during the 3-year compliance period January 1, 2002 - December 31, 2004, in violation of 40 C.F.R. § 141.24(f).



VII.

1. 40 C.F.R. § 141.24(h) requires community public water systems to monitor their water to determine compliance with the MCLs for pesticide/herbicide organic contaminants as stated in 40 C.F.R. § 141.61. Pursuant to 40 C.F.R. § 141.24(h)(6), EPA has allowed the System to meet this requirement by monitoring triennially.
2. Respondents have failed to monitor the water for pesticide/herbicide organic contaminants during the 3-year compliance period January 1, 2002 - December 31, 2004, in violation of 40 C.F.R. § 141.24(h).

VIII.

1. The regulations at 40 C.F.R. § 141.152(b) require a community water system to prepare and deliver an annual Consumer Confidence Report (CCR) to its customers by July 1, containing data collected during the previous calendar year.
2. 40 C.F.R. § 141.153(f)(1) requires the CCR to clearly note any monitoring and reporting violations of the NPDWRs and include the potential adverse health effects and actions taken by the system to address the violations.
3. Respondent failed to prepare and deliver to its customers a 2004 CCR for the Cozy Mobile Home Park PWS by July 1, 2005, in violation of 40 C.F.R. §§ 141.152-155. The report was generated on August 12, 2005. Respondent also failed to adequately identify and include the monitoring violations in

its 2004 CCR detailed in Sections I (the October 2004 violation), IV, VI, and VII of this Order, in violation of 40 C.F.R. § 141.153(f)(1).

IX.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a total coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within 10 days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I and III, in violation of 40 C.F.R. § 141.21(g)(2).

X.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the October and November 2005 total coliform MCL violations detailed in Section II above, in violation of 40 C.F.R. § 141.21(g)(1).

XI.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondent failed to report to EPA the instances of noncompliance detailed in Sections IV through VIII in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. As of the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements as stated in 40 C.F.R. § 141.21 to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. If the System has a total coliform MCL violation while this Order is in effect, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date and shall be submitted to EPA and the Wyoming Department of Environmental Quality for

approval. The plans must be approved by EPA and the Wyoming Department of Environmental Quality before construction can commence.

3. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
4. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within five service connections upstream of the original total coliform positive tap, and c) from within five service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within five service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

5. Within 30 days of the date of this Order, and annually thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
6. Upon the effective date of this Order, Respondent shall monitor the water for radioactivity, as required by 40 C.F.R. § 141.26(a), to determine compliance with the MCL at 40 C.F.R. § 141.66 (supercedes 40 C.F.R. § 141.15). Respondent must collect four consecutive quarterly samples from each entry point to the distribution system for radionuclide analysis by December 31, 2007. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
7. Within 30 days of the date of this Order and per the regulations thereafter, Respondent shall monitor the System's water for volatile organic contaminants as stated in 40 C.F.R. § 141.24 (f) to determine compliance with the MCL for volatile organic contaminants appearing at 40 C.F.R. § 141.61. Respondent shall report analytical results to EPA

within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).

8. Within 30 days of the date of this Order and per the regulations thereafter, Respondent shall monitor the System's water for pesticide/herbicide organic contaminants as stated in 40 C.F.R. § 141.24 (h) to determine compliance with the MCL for pesticide/herbicide organic contaminants appearing at 40 C.F.R. § 141.61. Respondent shall report analytical results to EPA within the first 10 days following the month in which results are received, as required by 40 C.F.R. § 141.31(a).
9. Within 30 days from the date of this Order, Respondent shall revise the 2004 CCR summarizing drinking water information from January through December 2004 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. The CCR shall identify the 2004 annual nitrate monitoring violation, the October 2004 monthly total coliform monitoring violation, the monitoring violation for volatile organic contaminants during the 2002-2004 compliance period, and the monitoring violation for pesticide/herbicide organic contaminants during the 2002-2004 compliance period, as violations in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects and

actions taken by the system to address the violations, in accordance with 40 C.F.R. § 141.153(f)(1). Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Respondent shall prepare and deliver complete and accurate CCRs for each year thereafter by July 1 annually, and provide certification each year thereafter by October 1 annually to remain in compliance with 40 C.F.R. §§ 141.152-155.

10. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
11. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
12. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

13. Reporting requirements specified in this Order shall be provided by certified mail to:

8P-W-MS  
U. S. EPA Region 8  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

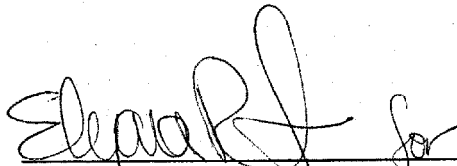
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).



4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 23<sup>rd</sup> day of December, 2005.



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

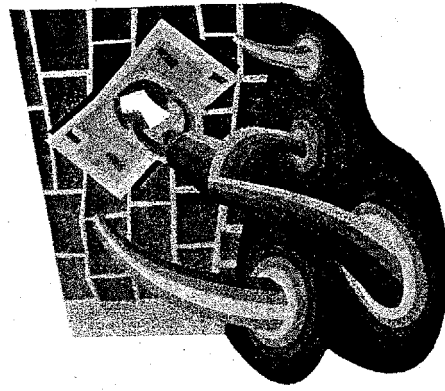
## WYOMING

### WATER/WASTEWATER TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



## FUNDING OPTIONS FOR PRIVATELY-OWNED PUBLIC WATER SYSTEMS IN WYOMING





*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)

